

EXHIBIT 5

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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S SECOND
NOTICE OF DEPOSITION OF
WAYMO LLC PURSUANT TO
FED. R. CIV. P. 30(b)(6)**

Trial Date: October 10, 2017

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORDS:

2 PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6),
 3 Defendants Uber Technologies, Inc. and Ottomotto LLC will take the deposition of Plaintiff
 4 Waymo LLC. The deposition will commence on August 14, 2017, at 9:00 a.m., or on a mutually
 5 agreeable date. The deposition will take place at the offices of Morrison & Foerster LLP, located
 6 at 425 Market Street, San Francisco, California 94105. The deposition will be taken by a notary
 7 public or other authorized officer and will continue from day to day until concluded, or may be
 8 continued until completed at a future date or dates. PLEASE TAKE FURTHER NOTICE that,
 9 pursuant to Federal Rule of Civil Procedure 30(b)(3), the deposition will be videotaped and
 10 recorded stenographically.

11 **DEFINITIONS**

12 The following definitions shall apply throughout these requests, regardless of whether
 13 upper or lower case letters are used:

- 14 1. "Alleged Waymo Trade Secret(s)" shall mean the trade secrets listed in Waymo's
 15 August 1, 2017 Notice Regarding Trade Secret Narrowing.
- 16 2. "Uber" shall mean Uber Technologies, Inc. and any predecessor or successor
 17 entities, any parents, subsidiaries, or affiliates, and any joint ventures in which Uber
 18 Technologies, Inc. holds an interest; Persons owned or controlled by the foregoing in whole or in
 19 part; and their officers, directors, employees, agents, representatives, accountants, financial
 20 advisors, consultants, and attorneys.
- 21 3. "Ottomotto" shall mean Ottomotto LLC and any predecessor or successor entities,
 22 any parents, subsidiaries, or affiliates, and any joint ventures in which Ottomotto LLC holds an
 23 interest; Persons owned or controlled by the foregoing in whole or in part; and their officers,
 24 directors, employees, agents, representatives, accountants, financial advisors, consultants, and
 25 attorneys.
- 26 4. "Waymo," "Plaintiff," "You," and "Your" shall mean collectively and
 27 individually: Waymo LLC (previously Project Chauffeur), Google Inc., and Alphabet Inc.; their
 28 parents, predecessors, successors, assigns, affiliates, direct and indirect subsidiaries, and partners;

any joint venture in which Waymo LLC, Google Inc., and/or Alphabet Inc. hold an interest; Persons owned or controlled by the foregoing in whole or in part; and their officers, directors, employees, agents, representatives, accountants, financial advisors, consultants, and attorneys.

INSTRUCTIONS

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Waymo shall designate one or more of its officers, directors, partners, managing agents, or other Persons who consent to testify on Waymo's behalf and who are the most knowledgeable with respect to the deposition topics set forth below. At least ten days in advance of the date of deposition, Waymo is directed to provide to counsel for Uber a written designation of the name(s) and position(s) of the person(s) designated to testify on each of the following topics.

TOPICS

9. The development of each of the Alleged Waymo Trade Secrets selected for trial, including the time, cost, and specific people involved (including their respective contributions) in developing each of those Alleged Trade Secrets, and any documents that reflect such development.

10. Waymo's awareness of the extent to which each of the Alleged Waymo Trade Secrets selected for trial, or elements thereof, are known or practiced outside of Waymo.

Dated: August 2, 2017

MORRISON & FOERSTER LLP

By: /s/ Arturo J. González
Arturo J. González

Attorneys for Defendant
UBER TECHNOLOGIES, INC.